

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ATHENA ART FINANCE CORP.,

Plaintiff,

-against-

that

CERTAIN ARTWORK BY JEAN-MICHEL
BASQUIAT ENTITLED HUMIDITY, 1982, *in*
Rem,

Defendants,

SATFINANCE INVESTMENT LIMITED and
DELAHUNTY LIMITED d/b/a DELAHUNTY
FINE ART,

Interested Parties.

Case No. 20-cv-4669 (GBD) (VF)

SATFINANCE INVESTMENT LIMITED
Intervenor-Plaintiff,

-against-

ATHENA ART FINANCE CORP. and
that CERTAIN ARTWORK BY JEAN-MICHEL
BASQUIAT ENTITLED HUMIDITY, 1982,
In Rem,

Intervenor-Defendants.

**DECLARATION OF JONATHAN A. SHAPIRO IN SUPPORT OF PLAINTIFF AND
INTERVENOR-DEFENDANT ATHENA ART FINANCE CORP.'S MOTION TO
STRIKE THE EXPERT TESTIMONY OF MICHAEL PLUMMER**

I, Jonathan A. Shapiro, a member in good standing of the Bar of the State of California and admitted to practice before this Court *pro hac vice*, declare under penalty of perjury that the foregoing statements are true and correct:

1. I am a partner in the law firm Goodwin Procter LLP, attorneys for Plaintiff and Intervenor-Defendant Athena Art Finance Corp. (“Athena”) in the above-referenced action. I am fully familiar with the facts and circumstances set forth herein.
2. I respectfully submit this declaration in support of Athena’s Motion to Strike the Expert Testimony of Michael Plummer.
3. Attached hereto as Exhibit A is a true and correct copy of cited excerpts from transcript of the deposition of Michael Plummer, dated April 4, 2023.
4. Attached hereto as Exhibit B is a true and correct copy of an email from Michael Plummer to Naomi Baigell, dated August 15, 2017.
5. Attached hereto as Exhibit C is a true and correct copy of an email from Andrea Danese to Patrick van Maris van Dijk, Ingrid Labadie, Nanne Dekking and Naomi Baigell, dated February 5, 2018.
6. Attached hereto as Exhibit D is a true and correct copy of an email from Michael Plummer to Naomi Baigell, dated April 28, 2017.
7. Attached hereto as Exhibit E is a true and correct copy of the complaint filed in TEFAF New York LLC v. Artvest Partners LLC, Index No. 651341/2018, filed in the Supreme Court of the State of New York, County of New York, on March 19, 2018.
8. Attached hereto as Exhibit F is a true and correct copy of the Expert Witness Report of Michael Plummer, dated January 4, 2016.

9. Attached hereto as Exhibit G is a true and correct copy of an email from Naomi Baigell to Michael Plummer, Linda Lees, Jeff Rabin, Luciano deMarsillac and Leanne Jagtiani, dated May 1, 2017.
10. Attached hereto as Exhibit H is a true and correct copy of an email from Kelly Bush to Giovanna Quattrone, Amanda Kopp and Michael Plummer, dated October 3, 2017.
11. Attached hereto as Exhibit I is a true and correct copy of the Expert Witness Rebuttal of Michael Plummer, submitted March 30, 2023.

Dated: October 5, 2023
San Francisco, California

/s/ Jonathan A. Shapiro
Jonathan A. Shapiro

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2023, I caused to be served by electronic means via the Court's CM/ECF System a copy of the Declaration of Jonathan A. Shapiro in Support of Plaintiff and Intervenor-Defendant Athena Art Finance Corp.'s Motion to Strike the Expert Testimony of Michael Plummer, on all counsel registered to receive electronic notices.

/s/ Jonathan A. Shapiro